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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

FILED

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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DEPUTY

UNITED STATES OF AMERICA, Plaintiff,	)	Magistrate Case No.
v.	)	COMPLAINT FOR VIOLATION OF
Pedro GARCIA **AKA: Pedro GARCIA-Hernandez ,** **AKA: Pedro VILLA-Garcia**	)	Title 8, U.S.C., Section 1326 Attempted Entry After Deportation
Defendant.	)	

The undersigned complainant being duly sworn states:

On or about **October 21, 2007**, within the Southern District of California, defendant **Pedro GARCIA AKA: Pedro GARCIA-Hernandez AKA: Pedro VILLA-Garcia**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the **San Ysidro, California Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Mario Avila, U.S. Customs and
Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS **29th** DAY OF **October, 2007**.

UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

I, United States Customs and Border Protection (CBP) Enforcement Officer Sergio Barron, declare under penalty of perjury the following to be true and correct:

On October 21, 2007, at approximately 2105 hours, **Pedro GARCIA aka: Pedro Garcia-Hernandez, Pedro Villa Garcia (Defendant)** attempted to enter the United States from Mexico at the San Ysidro, California Port of Entry vehicle lanes. Defendant was a passenger in a 2001 Ford Focus driven by Antonio Delgado. Defendant presented a California driver license bearing the name Benito Villa to a Customs and Border Protection (CBP) officer. Defendant told the CBP officer he was born in the United States. The CBP Officer suspected the Defendant was not the lawful owner of the California driver license he presented and also suspected Defendant had made a false claim to United States citizenship. The CBP officer escorted Defendant, vehicle occupants, and vehicle to secondary for further inspection.

During secondary inspection, Defendant was queried by fingerprint and photograph through the Automated Biometric Identification System (IDENT). IDENT returned a match to the query, identifying Defendant as a citizen of Mexico and a previously removed alien. Defendant's identity was verified by 10-digit fingerprint submission through the Integrated Automated Fingerprint Identification System (IAFIS). IAFIS linked Defendant to FBI and Immigration service Records.

Further queries using the Immigration Central Index System (CIS) and the Deportable Alien Control System (DACS) confirmed Defendant is a citizen of Mexico with no legal documents to enter the United States. While conducting CIS and DACS queries, immigration service records indicate Defendant was deported from the United States by an immigration judge on or about May 02, 2001 and on or about November, 09, 2000. Immigration service records also indicated no evidence that Defendant has applied for, nor received permission from the Attorney General of the United States, or his designated successor, the Secretary of the Department of Homeland Security to legally re-enter the United States.

During a videotaped proceeding, Defendant was advised of his Miranda Rights and elected to submit to questioning without benefit to counsel. Defendant admitted he is a citizen of Mexico. Defendant admitted he was previously deported from the United States. Defendant admitted he intended to travel to Los Angeles, California.

EXECUTED ON THIS 22ND DAY OF OCTOBER 2007 AT 1600 HOURS.

[signature]

Sergio Barron / CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of (1) page(s), I find probable cause to believe that the defendant named therein committed the offense on **OCTOBER 21, 2007** in violation of Title 8, United States Code, Section 1326.

[signature]

MAGISTRATE JUDGE

10/23/2007 at 9:35 a.m.

DATE / TIME